

THE UTTAR PRADESH KESARI GRAM (PROHIBITION)

ACT, 1983¹

[U. P. Act NO. 22 of 1983]

[Passed in Hindi by the Uttar Pradesh Legislative Assembly on September 7, 1983, and by the Uttar Pradesh Legislative Council on September 9, 1983.

Received the assent of the Governor on September 20, 1983 under Article 200 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated September 23, 1983.]

AN

ACT

to provide for the prohibition of cultivation and sale of Kesari gram and for the prohibition of manufacture or sale of its products and for matters connected therewith.

IT IS HEREBY enacted in the Thirty-fourth Year of the Republic of India as follows : —

Short title,
extent and
commencement

1. (1) This Act may be called the Uttar Pradesh Kesari Gram (Prohibition) Act, 1983.

(2) It extends to the whole of Uttar Pradesh.

*(3) It shall be deemed to have come into force on October 25, 1982.

Prohibition of
cultivation etc,
of Kesari gram
and its
products

2. No person shall —

(a) cultivate Kesari gram (*Lathyrus sativus*) ;

(b) sell or offer or expose for sale, or have in his possession for purpose of sale, under any description or for use as an ingredient for the preparation of any goods intended for sale, Kesari gram (*Lathyrus sativus*) or any product thereof ;

(c) manufacture Kesari Dal or any other product of Kesari gram (*Lathyrus sativus*).

Explanation :— For the purposes of this section, Kesari gram flour, Kesari Dal flour, mixture of Kesari gram or Kesari Dal or flour of either with Bengal gram Dal or Bengal gram dal flour or with any other Dal or any other flour shall be deemed to be a product of Kesari gram.

Penalty

3. Any person who contravenes the provisions of section 2 shall be punishable with imprisonment for a term which shall not less than one year but which may extend to six years and shall also be punishable with fine which shall not be less than two thousand rupees.

1. For Statement of Objects and Reasons see at the end of this Act.

* w.e.f. dated October 25, 1982.

[The Uttar Pradesh Kesari Gram (Prohibition) Act, 1983]

**Application
of certain
provision of
Act no. 37 of
1954**

4. The provisions of the Prevention of Food Adulteration Act, 1954 shall *mutatis mutandis* apply, —

(a) in relation to the articles mentioned in section 2 of this Act as they apply in relation to food as defined in the said Act ;

(b) in relation to an offence punishable under section 3 of this Act as they apply in relation to offences punishable under the said Act.

**Repeal and
savings**

5. (1) The Uttar Pradesh Kesari Gram (Prohibition) (Second) Ordinance, 1983, is hereby repealed.

**U. P.
Ordinance
no. 24 of
1983**

(2) Notwithstanding such repeal anything done or any action taken under the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

Scientific experiments have proved that 'Kesari gram (Lathyrus Sativus)' is injurious to health and its extensive use is likely to cause serious disease such as paralysis of lower limbs. The State Government had, therefore, in exercise of the powers under the Prevention of Food Adulteration Rules, 1955, prohibited the sale of Kesari gram, Kesari dal or its products as an article of food. However, Kesari gram and dal continued to be sold as cattle feed ; and when so sold it was difficult to prevent its actual use as, or adulteration with, articles of food. It was, therefore, considered necessary to prohibit cultivation of Kesari gram and sale of Kesari gram and its products for any purpose whatsoever and to make such cultivation or sale a penal offence.

Since the State Legislature was not in session and immediate action was necessary, the Governor promulgated on September 27, 1982, the Uttar Pradesh Kesari Gram (Prohibition) Ordinance, 1982 (U. P. Ordinance no. 25 of 1982). Before the said Ordinance was to cease to operate, the Governor re-promulgated the provisions of the said Ordinance by U. P. Ordinance no. 12 of 1983 on March 15, 1983.

This Bill is introduced to replace the aforesaid U. P. Ordinance no. 12 of 1983.

